

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 7, 8, 32, 51, 55-60, 63, and 64 are presently active in this case. Claims 32 and 58 have been amended and claims 1-6-9, 10, 38, 39, 49, 50, 52-54, 61, and 62 have been cancelled by way of the present amendment.

In the outstanding Office Action, claims 5, 9, 38, 52, 62, and 64 were objected to; claims 6, 32, 39, 49, 52-54, 58, 61, and 62 were rejected under 35 USC 112, second paragraph, for being indefinite; claims 2, 3, 5, 6, 9, 38, 39, 49, 50, 52, 53, 61, and 62 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 4,637,403 to Garcia et al.; claims 1, 4, and 54 were rejected under 35 USC 103(a) as being unpatentable over Garcia et al. in view of U.S. Patent No. 5,582,184 to Erickson et al.; and claim 10 was rejected under 35 USC 103(a) as being unpatentable over Garcia et al. in view of U.S. Patent No. 5,380,278 to Mombrinie.

Claims 7, 8, 51, 55-57, 59, 60, 63, and 64 were indicated as being allowable. Applicants acknowledge with appreciation the indication of allowable subject matter.

Claims 32 and 58 were indicated as being allowable if rewritten to overcome the rejection under 35 USC 112, second paragraph. Applicants have amended claim 32 by deleting the recitation of “final” and replacing it with --first--. The limitation “first means” finds antecedent support in claim 64. No further objection on this basis is therefore anticipated.

Regarding claim 58, Applicants have amended that claim in order to clearly identify features d) and e) the vacuum device and the second device, respectively. No further rejections under 35 USC 112, second paragraph, regarding claims 32 and 58 are therefore anticipated.

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Claims 1-6, 9, 10, 38, 39, 49, 50, 52-54, 61, and 62 having been cancelled.

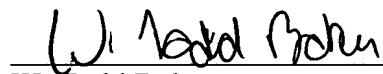
Consequently, no further issues are believed to be outstanding in the present application.

In view of the indication of allowable subject matter, Applicants renew their request for an interference with the plurality of patents assigned to Abbott Laboratories and identified in Applicants' First and Second Requests for Interference.

Examiner Marmor is invited to contact the undersigned regarding this matter for any questions he may have regarding the requested interference. An early and favorable action is respectfully requested.

Respectfully submitted,

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